

*Special Committee on Judicial Election Campaign Intervention
2018 Judicial Elections*

2018-05 Opinion

The Special Committee on Judicial Election Campaign Intervention received a request for an opinion on the following issue:

A local county ordinance was provided to the judicial candidates of a certain Mississippi county which prohibits putting up political signs “on property by the owner thereof or other private property with the property owner’s consent and not in any County or State right-of-way or easement” until 60 days prior to the election. On June 6, 2018, which is 120 days prior to the allowed time period for erecting signs, it was observed that one judicial candidate had erected a large political sign outside his/her office located in this county. Is this a violation of Canon 5(A)(3) and/or an unethical and unfair campaign practice or can all candidates put up signs at their offices?

Canon 5(A)(3), in relevant part, provides that “[a] candidate for a judicial office shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary Also, Canon 5(F) provides that “[t]he objective of the Special Committee shall be to alleviate unethical and unfair campaign practices in judicial election”

This matter was submitted as a request for an opinion. No candidate was named, no ordinance was provided, and no evidence of any unlawful, unethical or unfair conduct was provided.

The Special Committee has decided that the request for an opinion failed to include sufficient information to determine whether a candidate violated a law or committed an unethical or unfair campaign practice. The Special Committee notes that in *Reed v. Town of Gilbert, Ariz.*, 135 S.Ct. 2218 (2015), the United States Supreme Court ruled unconstitutional a local sign ordinance that set time limits for display by political candidates. However, because of the lack of sufficient facts or information to determine whether *Reed* would apply to the sign ordinance referenced here, the Special Committee declines to act on the request for an opinion.

This opinion is limited to the scope and authority of the Special Committee under the Mississippi Code of Judicial Conduct.

Any questions should be in writing and directed to:

Special Committee on Judicial Election Campaign Intervention

Attn: Darlene Ballard

Executive Director

Mississippi Commission on Judicial Performance

660 North Street, Suite 104

Jackson, MS 39202

Telephone: (601) 359-1273 • Fax: (601) 354-6277

Email: Ballard@judicialperformance.ms.gov